

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:24-cr-78

vs.

JOHN RABY,

District Judge Michael J. Newman

Defendant.

**ORDER DENYING WITHOUT PREJUDICE AS MOOT DEFENDANT’S MOTION
TO SUPPRESS (Doc. No. 23)**

This felony criminal case is before the Court upon Defendant’s motion to suppress (Doc. No. 23) and the Government’s response (Doc. No. 26).

Defendant contends that probable cause does not support the warrant to search his residence at 1709 Forestdale Avenue in Beavercreek, Ohio. Doc. No. 23. He therefore seeks an Order suppressing all evidence seized during law enforcement’s search of his residence. The Government acknowledges it is unaware of any relevant items seized from Defendant’s residence and “is not seeking the admission of any evidence seized from [Defendant’s] house into its case-in-chief at trial[.]” Doc. No. 26 at PageID 53.

The Government’s intention not to offer into evidence any evidence seized from Plaintiff’s residence moots Defendant’s motion to suppress. For this reason, Defendant’s motion to suppress is **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

July 1, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge